

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

JOHN E. HARRELL, *et al.*

Plaintiffs,

v.

DOUGLAS M. DELUCA,

Defendant.

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**Civil Action No.: 1:20-cv-00087
(LO/MSN)**

**DEFENDANT DOUGLAS M. DELUCA’S,
AMENDED PRETRIAL DISCLOSURES**

Defendant Douglas M. DeLuca (“Defendant” or “Mr. DeLuca”) by counsel, and pursuant to Rule 26(a)(3) of the Federal Rules of Civil Produce and this Court’s Scheduling Order (ECF No. 18), hereby submits the following as his final pretrial disclosures.

(i) Witnesses

Defendant expects to call the following witnesses:

1. Douglas M. DeLuca; Mr. DeLuca may be contacted by undersigned counsel
2. Dawn Harrell
3. John Harrell
4. Brendan Muha
5. Angus Macdonald
6. Kiet Nguyen

Defendant may, if the need arises, call the following witnesses:

7. Emad Elmagraby, 2100 Clarendon Boulevard, Suite 1000, Arlington, VA 22201;
(703) 228-7094

8. Shahriar Amiri, 2100 Clarendon Boulevard, Suite 1000, Arlington, VA 22201; (703) 228-3848
9. Michael Jackie, 3837 Plaza Drive, Second Floor, Fairfax, VA (703) 273-7375
10. PEC Contracting Representative, 2946 Sleepy Hollow Road, Suite 2E, Falls Church, VA 22044; (703) 237-4146
11. Vanessa HVAC Representative, 6526 Arlington Blvd, Falls Church, VA 22042; (703) 593-0687
12. Brian B. Quick Representative, (202) 427-5311
13. Demetrio Hernandez, United Electrical Services, 7447 Boundary Ave, Manassas, VA 20111; (703) 398-5883
14. Jose Calix, 13223 Keach Pl, Herndon, VA, 20170; (703) 498-4480
15. Energy One America Representative, 454 Jessen Lane Charleston, SC 29492; (843) 388-6260

16. Any witnesses listed by Plaintiffs and not objected to by Defendant.

Defendant reserves the right to amend or supplement the foregoing witness list as reasonably necessary.

Defendant further reserves the right to call additional witnesses for impeachment or rebuttal purposes as necessary.

(ii) Designation of Deposition Testimony.

Any witness identified or designated by Defendant. Defendant reserves the right to use any deposition testimony for the purposes of impeachment.

Defendant reserves the right to designate any rebuttal witnesses/testimony.

- (iii) **Exhibit List** – Defendant Expects to move for admission all exhibits listed below, unless noted with an **M** in the Bates No. column.

Exhibit No.	Item Description	Bates No.	I.D.	ADM.
1.	1/2 -1/4/19 Texts between Muha and John Harrell re: value of 6122 Lee	Harrell0061952		
2.	1/4 - 1/17/19 texts between Muha and John Harrell re: Ritz Meeting	Harrell0061953-61954		
3.	Residential Sales Contract, dated February 21, 2019	Harrell0005524-0005544		
4.	Mar 6-8, 2019 text exchange between Brendan Muha and Harrells	Harrell0004632		
5.	Honeysuckle Hill Marketing Materials	TTR3962-70		
6.	March 15-16, 2019 text exchange between Brendan Muha and	Harrell0004637		
7.	3/15/19 email exchange between Brendan Muha to John Harrell re: Harden Inspection	TTR -002399-402		
8.	3/15/19 Email Between Brendan Muha and Harrells with Inspection	Harrell005583-657		
9.	3/18/19 email from Brendan Muha to John Harrell re: home inspection	TTR-002406		
10.	3/18/19 email from Brendan Muha to John Harrell re: 626 Philip Digges	Harrell0014281-14282		
11.	3/16/2019 text exchange between Brendan Muha and Dawn Harrell re: permits for Great Falls property	Harrell0060673-74		
12.	Inspection Report, 626 Philip Digges	TTR-001813-1875		
13.	Residential Sales Contract, dated April 3, 2019, as amended			
14.	Appraisal of 6122 Lee Highway, dated 4/26/2019	MainStreet000075-113		

Exhibit No.	Item Description	Bates No.	I.D.	ADM.
15.	5/2/19 email from Mariana Quackenbush to John Harrell and forwarded to Doug DeLuca re:	DELUC04821		
16.	5/13/2019 email from Doug DeLuca to John Harrell with Pool Estimate	TTR-002639-043		
17.	6/4/19 email from John Harrell to Mariana Quackenbush re: authorization for approval of appraisal	MainStreet000119		
18.	6/8/19 texts between Muha and John Harrell re: construction	Harrell0061975-0061976		
19.	6/10/19 text exchange between Defendant and Brendan Muha re: square	Harrell0005168-69		
20.	6/15/19 Texts Between Muha and John Harrell re: escrow amount	Harrell0061977-0061980		
21.	6/16-17 text exchange between Brendan Muha and John Harrell	Harrell0027199		
22.	6/16/19 Texts among Harrells and Muha re: items and costs	Harrell0060710-0060714		
23.	6/18/19 Texts Between DeLuca and John Harrell re: escrow	Harrell158407		
24.	6/18/19 Texts Among Harrells and Muha re: escrow amount	Harrell0060720-0060727		
25.	6/19/19 Texts Among Harrells and Muha re: reason for purchasing 6122 Lee Highway	Harrell0060730		
26.	June 20, 2019 email exchange among Defendant, Brendan Muha and the Harrells re: closing	Harrell005177-78		
27.	6/20/19 Texts among Harrells and Muha re: bump out permit	Harrell0060733-0060734		
28.	7/1/19 Texts Between Muha and John Harrell re: warranty language	Harrell061984-0061985		

Exhibit No.	Item Description	Bates No.	I.D.	ADM.
29.	Appraisal Update of 6122 Lee Highway, dated 6/27/2019	MainStreet000381		
30.	6/28/2019 email from Mariana Quackenbush to John Harrell re: Appraisal Inspection	MainStreet000122		
31.	Settlement Escrow Agreement, dated July 2, 2019	Harrell004228		
32.	Emails between Harrells and DeLuca re: pause of work	DELUC 3727-3739,4276-4284		
33.	June 28, 2019 Text of Punch List	Hareell004708		
34.	Text exchange between Defendant and the Harrells re: fireplace and tiles	Harrell0005273		
35.	July 2-3, 2019 text exchange between Defendant and Dawn Harrell pre-	Harell005265		
36.	Walkthrough and Punch List	TTR-004632-645		
37.	Post-Closing Agreement, dated July 3, 2019	Harrell0004138-4142		
38.	Punch List , Updated 7/7/2019	Harrell0016502-511		
39.	Punch List as of 8/6/2019	Harrell0016512		
40.	Punch List as of 8/6/2019, Updated 8/23/2019			
41.	August 6, 2019 email from Doug DeLuca to Plaintiffs re: outstanding items to be completed at the Property	Harrell0020464-69		
42.	8/6/19 text between John Harrell and Doug DeLuca re: items in need of	Harrell0005386-87		
43.	August 6, 2019 email from John Harrell to Defendant re: scheduling of inspections	Harrell0017297-299		
44.	8/20/19 email exchange between Brendan Muha and Doug DeLuca re:	Harrell0016717		

Exhibit No.	Item Description	Bates No.	I.D.	ADM.
45.	Doug DeLuca 8/27/2019 Email re: Punch Lists	Harrell009747		
46.	Federal Home, LLC 7/2/2019 Warranty Letter	Harrell0016716		
47.	8/12/19 Harden Inspections Inspection Report	Harrell0004568-4580		
48.	9/4/19 EBL Site Investigation Log	Harrell004229-303		
49.	September 8, 2019 email between Doug DeLuca and John Harrell re: updated Inspection Report	Harrell0021929-31		
50.	September 10, 2019 emails between Doug DeLuca and John Harrell re: updated inspection report	Harrell0016513-19		
51.	10/22/19 email exchange between Doug DeLuca and the Harrells re: roofing issues	Harrell0016192		
52.	10/28/19 Soil & Structure Letter	Harrell0000134		
53.	10/28/19 Soil and Structure Letter re: beam and settlement crack	Arlington000005		
54.	Unexecuted Change Orders	DELUC-01255-01263		
55.	5/15/2019 ABW Sales Order	DELUC 09843-47		
56.	5/15/19 ABW Sales Order	DELUC 09848-52		
57.	5/15/19 ABW Sales Order	DELUC 09857-61		
58.	Pella Contract	DELUC 10237-10252		
59.	NVS Kitchen & Bath Contract	DELUC 09669-70		
60.	5/10/2019 NVS Kitchen & Bath Receipt	DELUC 09680		
61.	7/10/2019 NVS Kitchen & Bath Receipt	DELUC 09679		
62.	Crestwood Re-Acknowledgement	DELUC 09678		
63.	4/18/2019 text exchange between Doug DeLuca and Melvin Escobar re:	DELUC 09327-09331		

Exhibit No.	Item Description	Bates No.	I.D.	ADM.
64.	10/24/2018 text exchange between Doug DeLuca and Jose Calix re: work estimates	DELUC 09404,07, 444, 484, 514		
65.	3/2/2019 Check No. 1431 to Eagles Contracting	DELUC 09516		
66.	4/25/19 text of \$2443 for materials payment	DELUC 09551		
67.	5/10/2019 Check No. 140838 to Eagles Contracting	DELUC 09552		
68.	10/30/2018 Eagles Contracting Invoice	DELUC 09573-75		
69.	8/21/2019 Brian B. Quick Invoice	DELUC 09251-52		
70.	6/6/2019 New England Woodworks Invoice	DELUC 09262		
71.	5/7/2019 Energy One America Statement and Invoice	DELUC 08987, 9032-34		
72.	5/22/2019 Priddy Chimney Sweeps Receipt	DELUC 09038-39,82		
73.	7/12/2019 Priddy Chimney Sweeps Receipt	DELUC 09040		
74.	7/7/2020 Priddy Chimney Sweeps Receipt	DELUC 09041-42, 85		
75.	Priddy Chimney Sweeps Invoice	DELUC 09046		
76.	4/24/20 Priddy Chimney Sweeps Receipt	DELUC 09047-8		
77.	7/30/20 Priddy Chimney Sweeps Receipt	DELUC 09054-55		
78.	7/16/20 Priddy Chimney Sweeps Receipt	DELUC 09058-59		
79.	3/19/19 Priddy Chimney Sweeps Receipt	DELUC 09060-61		
80.	4/24/20 Priddy Chimney Sweeps Receipt	DELUC 09062-63, 89		
81.	Priddy Chimney Sweeps Invoice #1800	DELUC 09066-67, 83-84		
82.	11/15/19 Priddy Chimney Sweeps Receipt	DELUC 09072-73		
83.	2/28/19 Priddy Chimney Sweeps Estimate	DELUC 09080-81		

Exhibit No.	Item Description	Bates No.	I.D.	ADM.
84.	4/2/19 Priddy Chimney Sweeps Invoice #887	DELUC 09087-88		
85.	3/14/19 TW Perry Order 1903-L39629	DELUC 09139-40		
86.	3/14/19 TW Perry Order 1903-L40189	DELUC 09144		
87.	10/30/18 TW Perry Order 1810-L92738	DELUC 09145		
88.	6/13/19 Summit Int'l Flooring Estimate	DELUC 07130		
89.	8/6/19 Build.com Order Info	DELUC 05707-08, 07134		
90.	4/30/20 New England Woodworks Receipt	DELUC 06686		
91.	Invoice List for Bryants Rolloff	DELUC 11109-11		
92.	11/19/18 Merrifield Receipt	DELUC 11115-16		
93.	3/20/20 Merrifield Receipt	DELUC 11112		
94.	6/14/19 Merrifield Receipt	DELUC 11113		
95.	6/25/19 Merrifield Receipt	DELUC 11114		
96.	Soil & Structure Architectural & Structural Package Main	DELUC 10499-10518		
97.	Soil & Structure Architectural & Structural Package Carriage	DELUC 10519-10528		
98.	Eagle Bank Checks 6/22-7/6/2019	DELUC 09185-9189, 9192, 9227, 9193		
99.	Eagle Bank Checks 12/30/2018-1/5/2019	DELUC 09191		
100.	Eagle Bank Checks 5/30-6/22/2019	DELUC 09172-09184		
101.	NVS Invoices and Receipts	DELUC 09678-09680		
102.	Eagle Bank Checks 7/4-8/3/2019	DELUC 09194-09200		
103.	Eagle Bank Checks 8/3-8/30/2019	DELUC 09201-09208		
104.	Eagle Bank Checks 8/30-9/20/2019	DELUC 09209-09213		

Exhibit No.	Item Description	Bates No.	I.D.	ADM.
105.	Eagle Bank Checks 9/20-10/11/2019	DELUC 09214-09219		
106.	6/21/2019 Check Number 1588	DELUC 09671		
107.	Eagle Bank Checks 10/11-11/1/2019	DELUC 09220-09226		
108.	2/19/19 American Express Statement	DELUC 09697-09710		
109.	3/22/19 American Express Statement	DELUC 09711-09721		
110.	4/21/19 American Express Statement	DELUC 09722-09733		
111.	5/22/19 American Express Statement	DELUC 09734-09744		
112.	6/21/19 American Express Statement	DELUC 09745-09764		
113.	7/22/19 American Express Statement	DELUC 09765-09775		
114.	8/22/19 American Express Statement	DELUC 09825-09842		
115.	9/20/19 American Express Statement	DELUC 09811-09824		
116.	10/22/19 American Express Statement	DELUC 09792-09810		
117.	11/21/19 American Express Statement	DELUC 09776-09789		
118.	6/20/2019 Driveways2Day Invoice	DELUC 10726		
119.	5/8/2019 Dura Supreme Quote	DELUC 09659-09668		
120.	Change Order Billing	DELUC 1137-40		
121.	DeLuca Instagram Photos	DELUC 2769-2834		
122.	5/17/2019 Marble Systems Invoice	Harrell0000283		
123.	5/17/2019 Marble Systems Invoice	Harrell0000286		
124.	6/3/2019 Marble Systems Invoice	Harrell0000287		
125.	6/5/2019 Marble Systems Invoice	Harrell0000285		
126.	6/18/2019 Marble Systems Invoice	Harrell0000288		
127.	6/25/2019 Marble Systems Invoice	Harrell0000284		
128.	6/26/2019 Marble Systems Invoice	Harrell0000290		
129.	8/26/2019 Marble Systems Invoice	Harrell0000289		

Exhibit No.	Item Description	Bates No.	I.D.	ADM.
130.	11/1/18 Email to Dascho re: progress	Dashco 00172-00186		
131.	11/1/18 Email to Dashco re: draw request	Dashco00187-00188		
132.	12/4/18 Email to Dashco re: progress and draw request	Dashco00189-00208		
133.	1/4/19 Email to Dashco re: draw request and progress	Dashco00209-00227		
134.	2/13/19 Email to Dashco re: draw request	Dashco00247-00255		
135.	2/13/19 Email to Dashco re: HVAC	Dashco00256-00265		
136.	3/7/19 Email to Dashco re: draw request and progress	Dashco00267-00285		
137.	4/16/19 Email to Dashco re: draw request	Dashco00311-00312		
138.	4/17/19 Email to Dashco re: progress	Dashco00286-00305		
139.	5/5/19 Email to Dashco re: progress	Dashco00315-00349		
140.	5/6/19 Email to Dashco re: draw request	Dashco00314		
141.	5/20/19 Email to Dascho re: draw request	Dashco00350-00375		
142.	6/3/19 Email to Dashco re: progress	Dascho00377-00397		
143.	Foam Insulation Certificate	DELUC007811		
144.	DeLuca Cellphone Notes	DELUC009681-9696		
145.	TDKI Report			
146.	Macdonald Report			
147.	Plaintiffs' Rule 26(a) Initial Disclosures	M		
148.	Plaintiffs' Rule 26(a) Supplemental Initial Disclosures	M		
149.	DeLuca's Rule 26(a) Initial Disclosures	M		
150.	DeLuca's Rule 26(a) Supplemental Initial Disclosures	M		

Exhibit No.	Item Description	Bates No.	I.D.	ADM.
151.	Plaintiffs' Objections and Responses to DeLuca's First Set of	M		
152.	Plaintiffs' Supplemental Responses to DeLuca's First Set of	M		
153.	DeLuca's Responses to John Harrell's First Set of Interrogatories	M		
154.	DeLuca's Responses to Dawn Harrell's First Set of Interrogatories	M		
155.	DeLuca's Objections and Responses to Dawn Harrell's Second Set of Interrogatories	M		
156.	DeLuca's Objections and Responses to Dawn Harrell's Second Set of Interrogatories	M		
157.	Picture – Front view of house	DELUC-02781		
158.	Picture – Corner of house/copper gutter	DELUC-00321		
159.	Picture – Copper gutter	DELUC-00319		
160.	Picture – Rear view of house	DELUC-09433		
161.	Picture – Flags above mantel with shelving open on either side	DELUC-07279		
162.	Picture – Flags above mantel with shelving closed on either side	DELUC-07280		
163.	Picture – Flooring/partial view of kitchen	DELUC-00319		
164.	Picture – Kitchen island	DELUC-00332		
165.	Picture – Kitchen island	DELUC-00332		

Exhibit No.	Item Description	Bates No.	I.D.	ADM.
166.	Picture – Stove	DELUC-00325		
167.	Picture – Staircase	DELUC-00338		
168.	Picture – Bookcase	DELUC-00326		
169.	Picture – Bunk beds	DELUC-00320		
170.	Picture – Rock wall/bunk beds	DELUC-00321		
171.	Picture – Empty room looking toward closet and bathroom	DELUC-00334		
172.	Picture – Bathroom	DELUC-00322		
173.	Picture – Bathroom	DELUC-00334		
174.	Picture – Stairwell	DELUC-00337		
175.	Picture – (2) Stairs/open doorway	DELUC-00337		
176.	Picture – Empty room looking toward washer/dryer	DELUC-00337		
177.	Picture – Empty room with light hanging in corner	DELUC-00321		
178.	Picture – Electric panel	DELUC-00338		
179.	Picture – Upstairs thermostat	DELUC-00327		
180.	Picture – Main level thermostat	DELUC-00327		
181.	Picture – Approved inspection: Plumbing, dated 6/12/19	DELUC-02835		

Exhibit No.	Item Description	Bates No.	I.D.	ADM.
182.	Picture – Approved inspection: Electrical, dated 4/30/19	DELUC-02837		
183.	Picture – Approved (partial) Inspection: Mechanical, dated 4/25/19	DELUC-02837		
184.	Picture – Approved (partial) inspection: Building, Electrical, Mechanical, Plumbing, dated 6/11/19 and Approved inspection: Building, dated 6/14/19	DELUC-02839		
185.	Picture – Building Permit (B1803016) Bath and Kitchen	DELUC-02857		
186.	Text message exchange between John Harrell and Douglas Deluca re: tile (5/3/19)	Harrell0058091-0058095		
187.	American Express Statement	DELUC09734-09744		
188.	Text message exchange between John Harrell and Douglas Deluca re: roof (6/10/19)	Harrell0058302		
189.	Email – Deluca to D. Harrell responding to her list of critical items she would like addressed. (8/6/19)	DELUC-03526-03530		
190.	Email – Deluca to D. Harrell providing lists of items that are to be delivered. Still has personal items in garage that need to be removed. Needs to know good time to pick them up. (8/10/19)	DELUC-05437-05442		
191.	Email – Deluca to J. Harrell responding to list of outstanding items (response embedded in J. Harrell's original 9:27 am. E-mail e-mail) (8/12/19)	DELUC-04219-04230		
192.	Email – Deluca to J. Harrell regarding what must be done prior to inspections going forward. Does not feel they have a complete work product as of last Tuesday. (8/12/19)	DELUC-04162-04174		

Exhibit No.	Item Description	Bates No.	I.D.	ADM.
193.	Email – Deluca to J. Harrell responding in bold to his two prior emails regarding questions permits and HVAC. (8/13/19)	DELUC-04509		
194.	Email – Deluca to J. Harrell stating he has been working off of 3 punch lists that were given to him. Provides answers in bold to John’s questions. (8/27/19)	DELUC-05671-05672		
195.	Email – Deluca to J. Harrell responding to his statement that he has no idea what 7 inspections he’s referring to. Deluca lists the 7	DELUC-04592		
196.	Email – Deluca to J. Harrell responding in bold to several questions he had about the crawl space, radiators, inspections, master tub and permits. (9/12/19)	DELUC-03350		
197.	Email – Deluca to J. Harrell and D. Harrell providing info on proposed staircase for gym discussed during County meeting. Lead time is 1-2 weeks. (10/23/19)	DELUC-04382		
198.	Email – Deluca to J. Harrell regarding Harper’s radiator and the boiler thermostat. (10/25/19)	DELUC-04376		
199.	Any exhibit identified, and not objected to, on Plaintiffs’ Exhibit List			

Defendant reserves the right to introduce any exhibit listed on any other party’s Exhibit List.

Defendant reserves the right to withdraw some of the Exhibits identified and to object to another party’s introduction of any Exhibit not introduced by Defendant.

Defendant reserves the right to introduce any additional exhibits, and any and all evidence, for the purposes of impeachment, cross-examination, or rebuttal.

Defendant reserves the right to create additional demonstrative exhibits based on the exhibits identified above.

Defendant reserves the right to supplement or amend this Exhibit List as necessary.

(iv) Statement of Uncontested Facts

JOINT STIPULATION OF UNCONTESTED FACTS

Plaintiffs John and Dawn Harrell (“Harrells”) and Defendant Douglas DeLuca (“DeLuca”) (the Harrells and DeLuca are collectively the “Parties”) hereby submit this Joint Stipulation of Uncontested Facts.

1. On or about September 25, 2018, Deluca purchased the property located at 6122 Lee Highway in Arlington, Virginia (the “Property”) for \$2,115,000.
2. On or about October 30, 2018, Deluca began construction on the Property.
3. On April 3, 2019, the Parties entered into a Residential Sales Contract (the “Sales Contract”).
4. On May 28, 2019, the Parties entered into an addendum to the Sales Contract.
5. On June 18, 2019, the Parties entered into a second addendum to the Sales Contract.
6. On June 20, 2019, the Parties entered into a third addendum to the Sales Contract.
7. On June 20, 2019, the Parties entered into a fourth addendum to the Sales Contract.
8. On June 20, 2019, the Parties entered into a fifth addendum to the Sales Contract.
9. On July 2, 2019, the Parties entered into a Settlement Escrow Agreement.

10. On July 3, 2019, the Parties proceeded to closing on the Sales Contract. The Harrells paid \$4,557,490.28 at closing.

11. On July 3, 2019, the Parties entered into a Post-Closing Construction Agreement (“Construction Agreement”).

12. Deluca did not complete all of the work required under the Construction Agreement.

13. On December 2, 2019, the Harrells through counsel sent a letter to Deluca’s counsel rescinding the Sales Contract, including all addendums and amendments thereto, and the Construction Agreement.

14. On December 16, 2019, Mr. DeLuca rejected the Harrells’ rescission of the Sales Contract, as amended and the Construction Agreement.

Dated: February ___, 2022

Respectfully submitted,

WALSH, COLUCCI, LUBELEY,
& WALSH, P.C.

/s/ Michael J. Coughlin
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CERTIFICATE OF SERVICE

I hereby certify that on February ___, 2022, I served a true and correct copy of the forgoing on the following counsel of record through U.S. Mail and Email:

Thomas R. Lynch,
Esq. Selzer Gurvitch
Rabin Wertheimer &
Polott, P.C.
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